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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

JAN - 7 1992

In re Application of

VALENTINE COMMUNICATIONS, INC.

For Construction Permit  
for a New FM Station,  
Channel 237A,  
South Congaree, South Carolina

To: Audio Services Division

Federal Communications Commission  
Office of the Secretary

File No. BPH-910228MD

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JAN 13 1992

MOTION TO ACCEPT LATE FILED PLEADING

Valentine Communications, Inc. ("Valentine"), by its attorneys moves for acceptance of its Opposition to the Petition to Deny or Dismiss ("Opposition") its application filed by Alexander Snipe, Jr., d/b/a Glory Communications ("Glory"). In support, Valentine respectfully shows:

1. The Petition was filed November 19, 1991. A timely Opposition would have been filed on December 2, 1991.<sup>1/</sup> A review of the Certificate of Service attached to the Petition to Deny or Dismiss ("Petition") demonstrates that it was served on counsel for Valentine at the time, Stanley G. Emert, Jr., in Knoxville, Tennessee.<sup>2/</sup>

2. Valentine was, at the time of the filing of the Petition, represented by Mr. Emert. During the months of November and December 1991, Valentine, had become increasingly

<sup>1/</sup> Service of the Petition was accomplished through U.S. Mail. Rule Section 1.4(h) provides for three days in addition to the 10 days allowed for a response.

<sup>2/</sup> See Attachment I.

dissatisfied with that representation. On December 17, Valentine retained undersigned counsel to replace its original counsel in this proceeding.

3. In conducting a diligent search of the records in this proceeding, undersigned counsel discovered the Petition. No Opposition to this Petition was discovered. Counsel contacted Valentine regarding the Petition. This contact was the first notice Valentine actually had regarding the Petition.

4. In El Paso Cablevision, Inc., 57 FCC 2d 95 (1975), the Commission discussed the proper procedures for requesting acceptance of a late-filed pleading. The Commission stated that when a party finds itself with insufficient time even to file a motion for extension of time, it is customary to file a motion for acceptance of late-filed pleading showing good cause why timely filing was not possible. Valentine has demonstrated good cause, as it had no actual notice of the filing of the Petition, as is detailed in the attached declaration of Terry Hicks, President and sole voting shareholder of Valentine.

5. Further, Valentine has contacted counsel for all parties and Commission staff<sup>3/</sup> to inform them of this filing. Counsel for the parties indicated no position regarding this filing. There is no prejudice to any party by allowing a response to the Petition. There is no doubt that Valentine would

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<sup>3/</sup> Valentine's counsel attempted to reach Mr. Jim Crutchfield of the Mass Media Bureau on January 7, 1992. Mr. Crutchfield is out of the office until January 13, 1992. Counsel left word for Mr. Crutchfield regarding this filing.

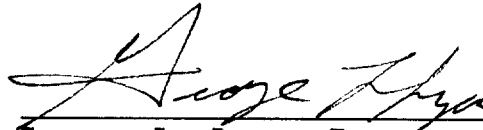
suffer extreme prejudice if not allowed this opportunity to respond to the allegations set forth by Glory. In light of the circumstances, showing no fault on the part of Valentine, the Opposition should be accepted and considered.

6. Clearly the public interest would be served by acceptance of the Opposition. If Valentine is allowed to respond to the Petition, the Commission's decision on the Petition will be based upon a full airing of the issues presented.

Respectfully submitted,

VALENTINE COMMUNICATIONS, INC.

By:

  
George L. Lyon, Jr.  
Marjorie K. Conner

Its attorneys

Lukas, McGowan, Nace  
& Gutierrez, Chartered  
1819 H Street, N.W.  
Suite 700  
Washington, D.C. 20006

(202) 857-3500

January 7, 1992

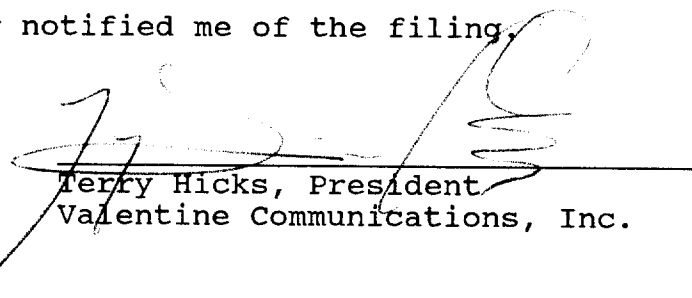
DECLARATION OF TERRY HICKS

I, Terry Hicks, make this declaration under penalty of perjury.

I am President and sole voting shareholder of Valentine Communications, Inc. I am familiar with the facts set forth in the forgoing Motion to Accept Late Filed Pleading, and hereby certify that they are true to the best of my knowledge and belief.

I became dissatisfied with counsel in November of 1991, as I had trouble reaching and otherwise communicating with Mr. Emert. I determined that substitute counsel should be retained. In December 1991, Valentine retained Lukas, McGowan, Nace and Gutierrez, Chartered to handle the processing of Valentine's application before the Commission.

I first learned of the Petition to Dismiss or Deny Valentine's application when substitute counsel brought it to my attention. Mr. Emert never notified me of the filing.

  
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Terry Hicks, President  
Valentine Communications, Inc.

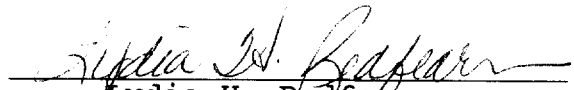
Dated: 12/12

CERTIFICATE OF SERVICE

I, Lydia H. Redfearn, Secretary in the law firm of Lukas, McGowan, Nace & Gutierrez, Chartered, certify that true copies of the foregoing document were sent this 7th day of January 1992, via first class mail, postage prepaid, to the following:

Stephen T. Yelverton, Esquire  
Maupin, Taylor, Ellis & Adams, P.C.  
1130 Connecticut Avenue, NW, Suite 750  
Washington, DC 20036-3904  
(Counsel for Alexander Snipe, Jr.  
d/b/a Glory Communications)

Roy F. Perkins, Jr., Esquire  
1724 Whitewood Lane  
Herndon, Virginia 22070  
(Counsel for Lexco Radio)

  
Lydia H. Redfearn